





APR 03 2006

TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT Under 37 CFR 1.97(b), (c), or (d)			Docket No. 003493.00359 (ATT/2001-0335A)												
In re Application of: DUFFIELD, et al															
Serial No. 10/056,683	Filing Date January 24, 2002	Examiner David Y. Eng	Group Art Unit 2155												
Title: METHOD AND APPARATUS FOR SIZE-DEPENDENT SAMPLING FOR MANAGING A DATA NETWORK															
Address to: Commissioner for Patents Alexandria, VA 22313-1450															
37 CFR 1.97(b)															
1. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits; or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.															
37 CFR 1.97(c)															
2. <input type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), but prior to the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by the statement or fee as indicated below.															
37 CFR 1.97(d)															
3. <input checked="" type="checkbox"/> The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(c), but on or before payment of the issue fee and is accompanied by the statement and fee as indicated below.															
Required Statements and/or Fees Under 37 CFR 1.97(c) or (d)															
<input type="checkbox"/> Each item of information contained in the accompanying Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement. (37 CFR 1.97(e)(1))															
<input type="checkbox"/> No item of information in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned person, after making reasonable inquiry, no item of information contained in the accompanying Information Disclosure Statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of the Information Disclosure Statement. (37 CFR 1.97(e)(2))															
<input checked="" type="checkbox"/> The fee set forth in 37 CFR 1.17(p). Please credit any overpayment or charge any insufficiencies to deposit account number 20-0782.															
37 CFR §1.704(d)															
4. <input type="checkbox"/> Each item of information in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 CFR §1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.															
 Kin-Wah Tong, Esq. Reg. No. 39,400 Patterson & Sheridan, LLP Attorneys at Law 595 Shrewsbury Avenue, Suite 100 Shrewsbury, New Jersey 07702 732-530-9404		Dated: <u>April 3, 2006</u> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="2" style="text-align: center;">CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.10</td> </tr> <tr> <td colspan="2">I hereby certify that this correspondence is being sent by facsimile, number 571-273-8300, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 3, 2006</td> </tr> <tr> <td style="text-align: center;"></td> <td></td> </tr> <tr> <td colspan="2" style="text-align: center;">Signature of Person Faxing Correspondence</td> </tr> <tr> <td colspan="2" style="text-align: center;">Sujata Barot</td> </tr> <tr> <td colspan="2" style="text-align: center;">Typed or Printed Name of Person faxing Correspondence</td> </tr> </table>		CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.10		I hereby certify that this correspondence is being sent by facsimile, number 571-273-8300, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 3, 2006				Signature of Person Faxing Correspondence		Sujata Barot		Typed or Printed Name of Person faxing Correspondence	
CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.10															
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04/05/2006 EFLORES 00000097 200782 10056683

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FACSIMILE COVER SHEET

APR 03 2006

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THIS MESSAGE HAS 5 PAGES INCLUDING THIS SHEETTO: Commissioner for PatentsFAX NO.: 571-273-8300FROM: Kin-Wah TongDATE: April 3, 2006MATTER: Serial No. 10/056,683 Filed: January 24, 2002DOCKET NO.: 003493.00359 (2001-0335A)APPLICANT: DUFFIELD, et al

The following has been received in the U.S. Patent and Trademark Office on the date of this facsimile:

<input type="checkbox"/> Petition	<input checked="" type="checkbox"/> Transmittal of Disclosure Statement
<input checked="" type="checkbox"/> Information Disclosure Statement (1 page)	<input checked="" type="checkbox"/> Fee Transmittal (2 copies)
<input checked="" type="checkbox"/> Copy of PTO-892 from co-pending appln. (1 page)	<input checked="" type="checkbox"/> Deposit Account Transaction
<input type="checkbox"/> Copy of PTO-1449	<input checked="" type="checkbox"/> Facsimile Transmission Certificate
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CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted by facsimile to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 3, 2006, Facsimile No. (571) 273-8300.

Sujata Barot
Name of person signing this certificate


Signature

April 3, 2006

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PTO/SB/08a (07-05)

Approved for use through 07/31/2006. OMB 0851-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO		Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)		Application Number	10/056,683
		Filing Date	January 24, 2002
		First Named Inventor	DUFFIELD, et al
		Art Unit	2155
		Examiner Name	David Y. Eng
Sheet 1 of 1	Attorney Docket Number	003493.00359 (ATT/2001-0335A)	

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		US-			
		US-			
		US-			
		US-			
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FOREIGN PATENT DOCUMENTS						
Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ³
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Copy of PTO-892 attached to Office Action dated 9/26/05 of co-pending application Serial No. 10/056,682 filed January 24, 2002.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Notice of References Cited	Application/Control No. 10/056,682	Applicant(s)/Patent Under Reexamination DUFFIELD ET AL.	
	Examiner Allida Baturay	Art Unit 2155	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,725,263 B1	04-2004	Torres, Marcelo Javier	709/223
	B	US-6,775,267 B1	08-2004	Kung et al.	370/352
	C	US-5,197,002 A	03-1993	Spencer, Paul A.	705/34
	D	US-6,061,331 A	05-2000	Conway et al.	370/232
	E	US-6,360,261 B1	03-2002	Boyd et al.	709/224
	F	US-6,421,435 B1	07-2002	Bastien et al.	379/133
	G	US-6,947,723 B1	09-2005	Gumani et al.	455/406
	H	US-2002/0165958 A1	11-2002	Duffield et al.	709/224
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

U.S. Patent and Trademark Office
 PTO-892 (Rev. 01-2001)

Notice of References Cited

Part of Paper No. 09202005

APR 03 2006

PTO/SB/17 (01-06)
Approved for use through 07/31/2006, OMB 0851-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2006		<i>Complete if Known</i>	
		Application Number	10/056,683
		Filing Date	January 24, 2002
		First Named Inventor	DUFFIELD, et al
		Examiner Name	David Y. Eng
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Art Unit	2155
TOTAL AMOUNT OF PAYMENT (\$) 180.00		Attorney Docket No.	003493.00359 (ATT/2001-0335A)

METHOD OF PAYMENT (check all that apply)

☐ Check
 ☐ Credit Card
 ☐ Money Order
 ☐ None
 ☐ Other (please identify) : _____
☒ Deposit Account
 Deposit Account Number: 20-0782
 Deposit Account Name: Patterson & Sheridan

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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☒ Charge any additional fee(s) or underpayments of fee(s)
 ☒ Credit any overpayments

Under 37 CFR 1.16 and 1.17
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee(\$)
_____ -20 or HP= _____	x _____	= _____
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee(\$)
_____ - 3 or HP= _____	x _____	= _____
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE


If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)
 _____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) _____
 Other (e.g., late filing surcharge): **Information Disclosure Statement** **180.00**

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	39,400	Telephone	732-530-9404
Name (Print/Type)	Kin-Wah Tong, Esq.			Date	April 3, 2006

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